

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LAURA LITINSKY,

Plaintiff,

against

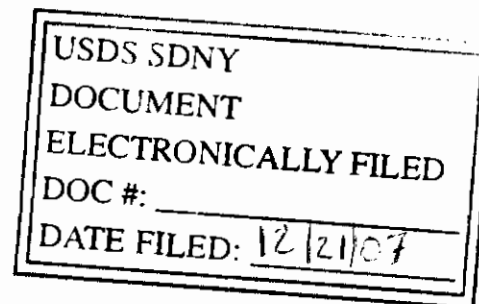
DIAMANTE THE DIAMOND
MANUFACTURERS, INC., RAFAEL
ZAKARIA, AND THE GEMOLOGICAL
INSTITUTE OF AMERICA,

Defendants.

07 CV 11475
Docket No.:

Judge:

ORDER TO SHOW CAUSE



UPON READING AND FILING of the accompanying Declaration of Laura Litinsky, sworn to December 20, 2007, the Declaration of Joshua Ruthizer, sworn to December 21, 2007, the Declaration of Gary Kovacs, sworn to December 20, 2007, the Verified Complaint in this action, the accompanying Memorandum of Law, dated December 21, 2007, together with the exhibits attached to afore mentioned documents, and upon all of the papers, pleadings and oral argument heretofore had herein,

LET DEFENDANTS HEREIN SHOW CAUSE, before Judge

Richard Sullivan, Room 21C, at the United States Courthouse located at 500 Pearl Street, New York, NY, on the 26th day of December, 2007 at 11:00 am, or as soon thereafter as counsel may be heard, why an Order should not be made and entered:

- (a) Preliminarily restraining and enjoining, pursuant Fed. R. Civ. P. 64 and 65(a) and N.Y. C.P.L.R. § 7109(a), Defendant Gemological Institute of America ("GIA"), its servants, employees, agents, representatives, and all persons acting in concert with them, from transferring the 5.02 carat oval cut brilliant F-VVS2 diamond subject of GIA

Certificate 12011455 and GIA Certificate 16434784 (the "Diamond") to Defendants Diamante The Diamond Manufacturers, Inc. ("Diamante") and Rafael Zakaria ("Zakaria") or from removing, transferring, dismantling, selling, pledging or otherwise disposing of the Diamond or permitting the Diamond to become subject to a security interest or lien; and

(b) for such other and further relief as this Court may deem just, proper and necessary under the circumstances.

SUFFICIENT CAUSE BEING ALLEGED THEREFORE, IT IS HEREBY:

ORDERED that pending the hearing and determination of this application, Defendant G.A., its servants, employees, agents, representatives, and all persons acting in concert with them, are restrained and enjoined, pursuant to Fed. R. Civ. P. 65(b) and N.Y. C.P.L.R. § 7109(a) from transferring the Diamond to Diamante and Zakaria or from removing, transferring, dismantling, selling, pledging or otherwise disposing of the Diamond or permitting the Diamond to become subject to a security interest or lien;

IT IS FURTHER ORDERED that personal service of this Order to Show Cause, and the papers upon which it is based, as well as the Summons and Verified Complaint, upon Defendant Rafael Zakaria, 550 South Hill Street # 1260, Los Angeles, California, 90013, on or before the ____ day of December, 2007 shall be deemed good and sufficient service;

IT IS FURTHER ORDERED that ~~personal~~ service of this Order to Show Cause, and the papers upon which it is based, as well as the Summons and Verified Complaint, upon ~~Defendant Diamante, 550 South Hill Street # 1260, Los Angeles, California, 90013, or upon Rafael Zakaria, President of Diamante, 550 South Hill Street # 1260, Los Angeles, California,~~ **all today (December 21, 2007).**

~~00012, in his capacity as an officer of Defendant Diemonte, or upon Harold I. Gould, A
Professional Corporation, 4200 Promenade Way, #222D, Marina Del Rey, California, 90292, a
authorized agent for service of process for Defendant Diemonte, on or before the ___ day of
December, 2007 shall be deemed good and sufficient service;~~

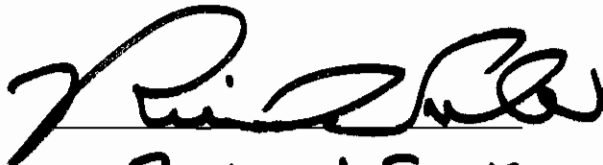
~~IT IS FURTHER ORDERED that personal service of this Order to Show Cause and
the papers upon which it is based, as well as the Summons and Verified Complaint, upon Todd
Marino, of GLA Piper US LLP, 1251 Avenue of the Americas, New York, New York, 10020,
counsel for Defendant GLA, on or before the ___ day of December, 2007 shall be deemed good
and sufficient service;~~

~~IT IS FURTHER ORDERED that opposing papers, if any, are to be served upon
Plaintiff's attorney Joshua Feinizer of Proskauer Rose LLP, 1585 Broadway, New York, New
York, 10036, so as to be received by 12:00 noon on the ___ day of January, 2007;~~

~~AND IT IS FURTHER ORDERED that reply papers, if any, shall be served upon
Defendants' counsel, so as to be received not later than ___ p.m. on January, 2007~~

18067 DEC. 21, 2007
DTRN/c, NY 3:12 pm

ENTER:


Hon. Richard Sullivan
United States District Court
Southern District of New York

